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Elections to fill vacancies in subsidiary organs and other elections: election of 14 members of the Human Rights Council

Note verbale dated 28 August 2013 from the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Maldives to the United Nations has the honour to inform the President of the General Assembly that the Republic of Maldives has presented its candidature to the Human Rights Council for the term 2014-2016 at the elections to be held in November 2013 in New York.

The Permanent Mission of the Republic of Maldives is pleased to enclose herewith the commitments and pledges of the Republic of Maldives in its candidature to the Human Rights Council for the term 2014-2016 (see annex).

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Annex to the note verbale dated 28 August 2013 from the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly

Aide-memoire
Candidature of Maldives for re-election to the Human Rights Council, 2014-2016

Cultivating values, building resilience

1. The Maldives has decided to present its candidature for re-election to the Human Rights Council for the period 2014-2016. Three years ago, Maldives was the smallest member to be elected to the Council. It stood for the voiceless in international society, for the issues that affect the very fundamental values of human rights but that hardly get a mention in the global human rights debate and for helping vulnerable and emerging democracies to cultivate the values of human rights in their societies.

2. Since then, Maldives is proud to have given a voice to the smallest members of the international community. It has also been a leading voice in advocating for human rights and fundamental freedoms, spearheading important initiatives in the Council. It has succeeded in drawing global attention to the effects of climate change on the full enjoyment of human rights. It has been one of the strongest advocates in the Council for promoting the rule of law and respecting the values of human rights. At the beginning of 2013, Maldives assumed the position of Vice-President of the Council, representing the Asian Group.

3. The decision by Maldives to seek re-election to the Council flows from its unwavering commitment to the Charter of the United Nations and the Universal Declaration of Human Rights, its respect for international law and its commitment to fostering friendly relations with all countries on the sacred foundations of justice, freedom and peace around the world. Maldives believes that establishing structural frameworks alone is not sufficient for promoting human rights; it is also necessary to cultivate values. Maldives believes that increasing the human rights resilience of new and emerging democracies should be a priority for the Council and the entire United Nations system. Being an emerging democracy itself, Maldives is ideally placed to contribute to the Council's efforts in helping to promote human rights in such countries. The membership of Maldives in the Council over the past three years has helped the country to take some unprecedented and bold measures to bring its national human rights mechanisms in line with international standards. Maldives believes that its continued membership in the Council would help it to further accelerate ongoing efforts in modernizing institutions and promoting a culture of respect for human rights in Maldivian society.

4. The present aide-memoire highlights the voluntary pledges and commitments of Maldives in promoting and protecting human rights at the national and international levels.

Maldives: an emerging democracy

5. In 2008, Maldives entered into what could be described as a paradigm shift in its democratic governance: a new Constitution with a comprehensive bill of rights

was enacted and, for the first time in the history of the country, a competitive, multiparty election was held to elect the President. For the first time, the Maldivian Constitution provided for the separation of powers, a fully elected parliament (the People's Majlis) and an independent judiciary and made most of the accountability functions of the State independent. These were some of the more remarkable shifts in the governance structure that resulted from the reform programme launched in 2004. That reform programme was based on a human rights agenda, in the belief that meaningful democratic reform would be possible only by guaranteeing fundamental human rights. It was because of the reform programme that Maldives began to accede to major international human rights instruments (a list is provided in the enclosure to this aide-memoire).

6. Today, Maldives is a dynamic place, filled with political enthusiasm and social progress. Political parties are campaigning for their respective candidates amid a flurry of activism and in the exercise of fundamental freedoms as the country is set to hold its second multiparty presidential election in September 2013. To sustain that dynamism, and to accelerate the consolidation of democracy, the Government believes that it is important that Maldives continue its international engagement in promoting and protecting international human rights. The Maldivian experience suggests that there is a direct and positive relationship between international engagement in promoting human rights and progress in key human rights areas nationally.

Membership in the Human Rights Council: a catalyst for national action

7. In 2004, Maldives decided to integrate the promotion of human rights fully into its foreign policy. That decision propelled the country from the fringes to the core of the international human rights discourse, where it assumed a leadership role on key issues, such as the impact of climate change on human rights. An important outcome of that decision was, and continues to be, a more active role in promoting international human rights that has had a catalytic effect on national actions on some sensitive human rights issues.

Key initiatives at the national level

8. Since Maldives began to play a more active role in international human rights issues, in particular since the country became a member of the Council in 2010, it has made remarkable progress in its efforts to promote and protect human rights nationally. These measures have helped to strengthen the human rights framework in the country and to introduce a rights-based discourse into political and social debates. Some of the key achievements are:

(a) Maldives joined the International Labour Organization (ILO) in 2009 and the International Organization for Migration in 2011. In January 2013, Maldives ratified all core ILO conventions, a major policy decision by the Government considering that the issue had been under consideration for nearly two decades;

(b) In 2010, the Maldivian parliament passed the Disabilities Act, which gave persons with disabilities the legal right to adequate and standardized social and health services;

(c) In 2011, Maldives ratified the Rome Statue of the International Criminal Court;

(d) In 2012, Maldives ratified a comprehensive piece of legislation on addressing violence against women, the Domestic Violence Act, which protects and aims to prevent violence and discrimination against women. The election of Maldives to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women in 2012 has further boosted the country's advocacy for gender equality and women's rights domestically;

(e) In February 2013, Maldives acceded to the United Nations Convention against Transnational Organized Crime;

(f) In April 2013, a ministerial-level committee was established by the President to conduct a review and propose a holistic reform of the existing child protection mechanisms in Maldives.

A record of achievements: building resilience

9. When Maldives was elected to the Human Rights Council in 2010, it was the smallest country to occupy that seat. The Maldives stood for the voiceless, the marginalized and the smallest countries, those that were on the periphery. Today, Maldives takes pride in having given a voice to the small island developing States in the Council. Moreover, Maldives has, over the past three years, advocated for global efforts to increase the resilience of such States, as well as of emerging democracies, to bring their national human rights mechanisms in line with international standards. Some important initiatives led or supported by Maldives in this regard are:

(a) The initiative to establish a voluntary fund in the Council aimed at supporting the participation of least developed countries and small island developing States in the work of the Council;

(b) As Chair of an informal group known as friends of small island developing States in the universal periodic review, Maldives supported such States without missions in Geneva to continue with their presentations in the framework of the review;

(c) The initiative in the Council that led to the establishment of the mandate of Independent Expert on human rights and the environment;

(d) With like-minded countries, Maldives established the mandate of Special Rapporteur on the rights to freedom of peaceful assembly and of association;

(e) Maldives led the negotiations on the introduction of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(f) Maldives strongly supported the core group of countries that called for the creation of the Working Group on the issue of discrimination against women in law and in practice;

(g) Maldives continued to support the cooperative and State-driven nature of the universal periodic review and its universality. Maldives believes that this unique process is one of the most effective ways to promote human rights for all.

Continuing commitment to human rights

10. At the national level, Maldives would:

(a) Continue to welcome visits to Maldives by United Nations special rapporteurs and independent experts;

(b) Improve the functioning and effectiveness of its independent national institutions;

(c) Convene a round table to discuss the strengthening of the judiciary in view of the recommendations made by the Special Rapporteur on the independence of judges and lawyers;

(d) Upgrade the status of the Human Rights Commission of Maldives to ensure its full compliance with the Paris Principles;

(e) Secure and fully deliver the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women;

(f) Enact enabling legislation on international human rights instruments so that they are observed and integrated into all aspects of the Maldivian society;

(g) Follow up on the recommendation of the universal periodic review and the concluding observations of treaty bodies.

11. At the international level, Maldives would:

(a) Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance;

(b) Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(c) Work to increase the human rights resilience of least developed countries and small island developing States so that these countries have the capacity to fulfil their international human rights obligations;

(d) Work with like-minded countries to create a culture of respect, in particular in emerging democracies.

Pledges: cultivating a culture of respect

12. Maldives will continue to emphasize, at the national and international levels, the importance of cultivating the value of respect for human rights to complement formal statutory measures in promoting human rights. In order to do that, Maldives pledges to continue to forge a strong partnership with members of the Human Rights Council towards attaining an effective and results-oriented global human rights protection system in line with the following principles:

(a) *Inviolability*. Maldives believes that all human rights are inviolable and universal. Without protection for basic human rights, a society cannot prosper. Maldives will use its membership in the Council, as it has done in the past, to promote and protect the human rights of peoples across the globe in a non-selective, equitable and non-politicized manner. In this regard, Maldives would stress the importance of creating a culture of respect, in addition to creating institutions and structures, as a strategy to build countries' human rights resilience;

(b) *Centrality*. Maldives maintains that human rights are crucial at both the domestic and international levels. Domestically, human rights must hold a central

place in national development for sustainable and equitable development to happen. At the international level, social, environmental and economic initiatives must take into account the human rights of those involved. This must be one of the key pillars of the international system;

(c) *Dialogue and partnership*. Maldives believes in change that is driven from within and that is based on dialogue and partnership between the State concerned and the international community. This is the only way to make change meaningful. Efforts to strengthen human rights must be formulated by national stakeholders in line with national priorities and needs;

(d) *Inclusivity*. Maldives believes in the inclusion of all peoples and thus holds that the central role of the Council is to provide hope to vulnerable people and communities around the world;

(e) *Objectivity*. Maldives' actions will continue to be guided by the desire to give a voice to our people and people around the world; a voice to address the plight and improve lives in a balanced, fair and independent fashion.

Enclosure

List of human rights conventions to which Maldives is a State party

1. Convention on the Prevention and Punishment of the Crime of Genocide (accession: 24 April 1984).
2. International Convention on the Elimination of All Forms of Racial Discrimination (accession: 24 April 1984).
3. International Convention on the Suppression and Punishment of the Crime of Apartheid (accession: 24 April 1984).
4. Convention on the Elimination of All Forms of Discrimination against Women (accession: 1 July 1993).
5. Amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (accession: 7 February 2002).
6. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (accession: 13 March 2006).
7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (accession: 20 April 2004).
8. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signature: 14 September 2005; accession: 15 February 2006).
9. International Convention against Apartheid in Sports (signature: 3 October 1986).
10. Convention on the Rights of the Child (signature: 21 August 1990; accession: 11 February 1991).
11. Amendment to article 43 (2) of the Convention on the Rights of the Child (accession: 2 November 1998).
12. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (signature: 10 May 2002; accession: 29 December 2004).
13. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (accession: 10 May 2002).
14. International Covenant on Civil and Political Rights (accession: 19 September 2006).
15. Optional Protocol to the International Covenant on Civil and Political Rights (accession: 19 September 2006)
16. International Covenant on Economic, Social and Cultural Rights (accession: 19 September 2006).
17. Convention on the Rights of Persons with Disabilities (signature: 2 October 2007; accession: 5 April 2010).
18. International Convention for the Protection of All Persons from Enforced Disappearance (signature: 6 February 2007).

19. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (signature: 21 September 2011).

20. Optional Protocol to the Convention on the Rights of the Child on a communications procedure (signature: 28 February 2012).

21. International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (Convention No. 29) (ratification: 4 January 2013).

22. ILO Convention concerning the Abolition of Forced Labour (Convention No. 105) (ratification: 4 January 2013).

23. ILO Convention concerning Freedom of Association and Protection of the Right to Organise (Convention No. 87) (ratification: 4 January 2013).

24. ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Convention No. 98) (ratification: 4 January 2013).

25. ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100) (ratification: 4 January 2013).

26. ILO Convention concerning Discrimination in Respect of Employment and Occupation (Convention No. 111) (ratification: 4 January 2013).

27. ILO Convention concerning Minimum Age for Admission to Employment (Convention No. 138) (ratification: 4 January 2013).

28. ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) (ratification: 4 January 2013).

29. Rome Statute of the International Criminal Court (accession: 21 September 2011).

30. United Nations Convention against Transnational Organized Crime (accession: 4 February 2013).